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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/829,535

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Larry J. Verbowski

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03/28/2008

DICKINSON WRIGHT PLLC

38525 WOODWARD AVENUE

SUITE 2000

BLOOMFIELD HILLS, MI 48304-2970

EXAMINER

CULBRETH, ERIC D

ART UNIT

PAPER NUMBER

3616

MAIL DATE

DELIVERY MODE

03/28/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/829,535

**Applicant(s)**

VERBOWSKI, LARRY J.

**Examiner**

Eric Culbreth

**Art Unit**

3616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 January 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 13-15, 17, 29, 30 and 36-45 is/are pending in the application.
- 4a) Of the above claim(s) 43-45 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☒ Claim(s) 13-15, 17, 29, 30 and 36-42 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 May 2007 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Conclusion*

1. This application is in condition for allowance except for the following formal matters:

- a. In paragraph [0005], line 3, "a" should precede "variety".
- b. In paragraph [0007], line 2 "a" should precede "torsion bar".
- c. In paragraph [0009], line 2 "allows to increase" is idiomatic (this is not how "allows" is used grammatically).
- d. In paragraph [0014], line 1, "Figures" should be "Figure".
- e. In paragraph [0015], line 1, "Figures" should be "Figure".
- f. Paragraph [0028], lines 4-7 are not accurate (part 62 is not connected to frame 42 and it doesn't engage indentation 60).
- g. Regarding Figure 3 and paragraph [0028], the lead line for the reference numeral 66 in the upper right corner of Figure 3 does not lead to a cavity (it touches a tooth, not a cavity).
- h. In paragraph [0030], line 8 "teeth 84" should be "tooth 84".
- i. In paragraph [0038], line 20 "it full" should apparently be "in full".
- j. In paragraph [0038], line 22 "axex" should apparently be "apex".
- k. In paragraph [0041], line 1 "Figures" should be "Figure".
- l. Regarding paragraph [0041], line 4, reference numeral 656 is not on the drawings.

m. Regarding paragraph [0041], line 5, reference numeral 658 at the top of Figure 11 (directly below character x in Figure 11 of the replacement sheets filed 5/25/07) is not a tooth cavity (possibly this should be reference numeral 656).

n. Regarding paragraph [0041], line 9, reference numeral 676 is not on the drawings.

o. Regarding paragraph [0041], line 12, "includes" should be "include".

p. Regarding paragraph [0041], line 12 also, "are" should precede "designed".

q. In claim 13, line 13, the period after "increments" should be a comma or semi-colon (",;").

r. Also, claim 13, lines 12-13 are not accurate. The second angular increments are not smaller than the first angular increments (in Figure 6, both the first increments, which are made by a screw engaging the lever on the left extreme of Figure 6, and the second increments, made by screw 272, are infinitely small increments; one increment is not "smaller" than the other).

s. Similarly, claim 29, which is also specific to Figure 6, is not accurate in lines 8-9 to recite that the second increments are smaller than the first increments.

t. In claim 36, line 4 from the end of the claim, "slight" incremental adjustment is indefinite ("slight" relative to what? When is this claim limitation infringed?).

u. In claim 39, line 2 there is no antecedent basis for "said adjustment arm".

v. In the last line of claim 40, "slight" is indefinite (relative to what).

w. In claim 42, line 2 there is no antecedent basis for "said adjustment arm".

x. Claims 43-45 should be canceled as drawn to a nonelected invention.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 25 USPQ 74, 453 O.G. 213, (Comm'r Pat. 1935).

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

***Allowable Subject Matter***

2. Claims 13, 29, 36 and 40 would be allowable if rewritten or amended to overcome the objections set forth in this Office action.

3. Claims 14-15, 17, 30, 37-39 and 41-43 would be allowable if rewritten to overcome the objections set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

4. The following is a statement of reasons for the indication of allowable subject matter: Regarding claims 36-42 which were rejected on art in the previous Office Action, upon reconsideration, the combination of references would not result in the claimed invention of the independent claims 36 and 40 (an intermediate hub removably disposed in a lever with hex-shaped opening and a toothed outer periphery). Removing Yonemoto's welded cylinder 130 and reinserting it as claimed would destroy Yonemoto's invention (Yonemoto US004635958, column 3, lines 53-60).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Culbreth whose telephone number is 571/272-6668. The examiner can normally be reached on Monday-Thursday, 9:00-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 571/272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Eric Culbreth  
Primary Examiner  
Art Unit 3616

/Eric Culbreth/  
Primary Examiner, Art Unit 3616

**Application Number****Application/Control No.**

10/829,535

**Examiner**

Eric Culbreth

**Applicant(s)/Patent under  
Reexamination**

VERBOWSKI, LARRY J.

**Art Unit**

3616